

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THERESA BUFFINGTON,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 11-229 Erie
)	
PEC MANAGEMENT II, LLP,)	
d/b/a BURGER KING,)	
)	
Defendant.)	

ORDER

Defendant filed a Motion for Summary Judgment [ECF No. 30], Brief [ECF No. 34], and a Concise Statement of Material Facts [ECF No. 33] on or about January 14, 2013. Plaintiff filed her Response [ECF No. 36] and Brief [ECF No. 37] on or about February 14, 2013. Counsel for Defendant has informed us that they intend to file a Reply Brief. Trial for this case is currently set to begin on March 5, 2013, in Courtroom A, 2nd Floor, United States Courthouse, 17 South Park Row, Erie, Pennsylvania

AND NOW, this 20th day of February, 2013, it is hereby ORDERED, ADJUDGED, and DECREED that due to the voluminous summary judgment pleadings and due to the schedule of the Court, trial for this case is hereby postponed until the Erie trial term beginning May 6, 2013. Accordingly, the pretrial scheduling order is amended in the following ways:

1. Defendant's Reply to Plaintiff's Response to the Motion for Summary Judgment is due on or before **February 26, 2013**.
2. Plaintiff has filed her pretrial narrative statement. Defendant's pretrial narrative statement shall comply with L.R. 16.1.C.2 and be filed on or before **February 25, 2013**.

3. If Parties are unable to come to a settlement agreement, a Jury Trial in this matter is hereby set for the Erie trial term beginning **May 6, 2013**, in Courtroom A, 2nd Floor, United States Courthouse, 17 South Park Row, Erie, Pennsylvania. **Please note that this trial is currently second in line on the trial list.**
4. Motions in Limine and Jury Instructions are due prior to trial and no later than **April 29, 2013**.
5. A conference of counsel shall be held at **9:00 a.m. on the first day of trial** to be immediately followed by Jury selection and trial.
6. Counsel shall comply with the following:
 - a. Any evidence which has not been fully disclosed, except evidence to be used solely for impeachment purposes, may result in the exclusion of that evidence at trial, L.R. 16.1.C.7.
 - b. The anticipated absence of any witness shall not be sufficient cause to delay the trial. Video tape deposition service is available through the Clerk of Court.
 - c. All exhibits must be exchanged and marked in advance of trial. Copies are to be provided for the Court in binders properly labeled ("Plaintiff's Exhibits" and Defendant's Exhibits"). Counsel shall plan to submit a copy of the Exhibit Binder to the Court on the date set for jury selection. **Counsel shall provide to the Court Reporter copies of all exhibits referred to during the course of the trial.**
 - d. Counsel shall provide to the Court **and to the Court Reporter** copies of witness and exhibit lists.
 - e. Counsel will be provided with the Court's standard voir dire questions. Counsel are permitted to submit additional voir dire questions in writing by **April 29, 2013**.
 - f. Counsel will be provided with a copy of the Court's standard jury instructions. Any proposed points for charge shall be submitted by **April 29, 2013**.
 - g. Proposed Voir Dire and Points for Charge shall be submitted in hard copy and in Word compatible format via electronic mail to Caren Grau, Judge Cohill's law clerk, at Caren_Grau@pawd.uscourts.gov
 - h. A charging conference will be held at which time the parties' proposed instructions will be ruled on. Counsel are required to state objections to

any proposed charge at the charging conference and to supply the alternate language, together with case authority.

February 20, 2013

Maurice B. Cohill, Jr.

Maurice B. Cohill, Jr.

Senior United States District Court Judge